

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS LITIGATION (NO. VI) DORIS ELLISON, Individually and as Personal Representation of the Estate of PERRY MOZELL ELLISON, Plaintiff, vs. ASBESTOS DEFENDANTS, Defendants.	(U.S. D.C. Middle District of Alabama, Case No. 2:09-CV-565) MDL 875 ED-PA-C. A. No. 09-CV-90809
---	---

**JOINT MOTION FOR VOLUNTARY DISMISSAL OF DEFENDANT KOBE STEEL
LTD. WITH PREJUDICE**

COMES NOW, the Plaintiff, by and through counsel for the Plaintiff and his personal representative, Doris Ellison, and hereby requests that the Court dismiss Defendant Kobe Steel Ltd. (improperly identified in the Complaint as Kobelco Construction Machinery America, LLP and Kobe Steel, USA, Inc.) (hereinafter “Kobe”) from the above-referenced matter with prejudice.

Kobe stipulates to the Plaintiff’s voluntary dismissal, with prejudice, of all the claims made in this case as to Kobe. Plaintiff reserves the right to proceed with claims against the remaining defendants in this action.

Wherefore, Plaintiff respectfully requests that the Court enter an Order dismissing Defendant Kobe Steel Ltd. (improperly identified in the Complaint as Kobelco Construction

Machinery America, LLP and Kobe Steel, USA, Inc.) from this case, with prejudice, costs taxed as paid. A proposed order is attached hereto for the Court's consideration.

/s/ G. Patterson Keahey, Jr.

Attorney for Plaintiff

G. Patterson Keahey, Jr.

Law Offices of G. Patterson Keahey, P.C.

One Independence Plaza, Suite 612

Birmingham, Alabama 35209

/s/ Haley A. Cox

One of the Attorneys for Defendant Kobe Steel Ltd.
(improperly identified in the Complaint as Kobelco
Construction Machinery America, LLP and Kobe
Steel, USA, Inc.)

Melody H, Eagan (HUR009)

W. Larkin Radney IV (RAD008)

Haley A. Cox (AND095)

LIGHTFOOT, FRANKLIN & WHITE, LLC

400 North 20th Street

Birmingham, Alabama 35203

CERTIFICATE OF SERVICE

This is to certify that on this 15th day of February, 2011, a true and correct copy of the foregoing was served on all counsel of record via electronic notification.

/s/ Haley A. Cox

Of Counsel

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: ASBESTOS PRODUCTS LITIGATION (NO. VI) DORIS ELLISON, Individually and as Personal Representation of the Estate of PERRY MOZELL ELLISON, Plaintiff, vs. ASBESTOS DEFENDANTS, Defendants.	(U.S. D.C. Middle District of Alabama, Case No. 2:09-CV-565) MDL 875 ED-PA-C. A. No. 09-CV-90809
---	---

ORDER OF DISMISSAL OF KOBE STEEL LTD. WITH PREJUDICE

It is hereby ORDERED that the Motion for Voluntary Dismissal of Defendant Kobe Steel Ltd. With Prejudice, filed by Plaintiff, by and through counsel for the Plaintiff and his personal representative, Doris Ellison, is GRANTED.

Defendant Kobe Steel Ltd. (incorrectly identified in the Complaint as Kobelco Construction Machinery America, LLP and Kobe Steel, USA, Inc.) is hereby dismissed from the above-referenced matter with prejudice, costs taxed as paid.

United States District Court Judge